

TOWN OF DALTON  
ANNUAL TOWN MEETING  
WAHCONAH REGIONAL HIGH SCHOOL - MAY 7, 2018 - 7:00 P.M.

The Moderator, Anthony P. Doyle, called the Meeting to order at 7:07 p.m.

Michele Blake, Jean Gingras, Judy Condron and Maureen M. Mitchell were appointed checkers and tellers. There was a total of 10 Non-Resident Guests and 142 Registered Voters checked at the door as follows:

PRECINCT 1 - 60  
PRECINCT 2 - 82

It was moved, seconded and voted to waive the complete reading of the Warrant.

CARRIED. UNANIMOUSLY.

ARTICLE 1 It was moved, seconded and voted to amend the Town of Dalton's Zoning Bylaw, Section 350-22.1(C), "Temporary Moratorium on Recreational Marijuana Establishments", by deleting June 30, 2018 and substituting December 31, 2018 so that the text of said section shall read as follows:

C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through ~~June 30, 2018~~ December 31, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

TWO-THIRDS VOTE REQUIRED

DEFEATED 74-Yes, 49-No.

ARTICLE 2. It was moved, seconded and voted that the Town amend the Town's General Bylaw Article 1, entitled "Open Containers" by adding the following bolded text to Section 18-1:

Section 18-1 Possession Prohibited.

No person shall consume any beer, wine, malt, or alcoholic beverage, nor have in his possession, any open containers thereof upon any public way, sidewalk or Town-owned land. **No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, or any area owned, leased or occupied by or otherwise under the control of the Town of Dalton, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.**

And further that the title of Chapter 18, including the Table of Contents, of the Code of the Town of Dalton be amended to add "**and Marijuana**" after the words Alcoholic Beverages.

CARRIED DECLARED MAJORITY



ARTICLE 3. It was moved, seconded and voted that the Town amend the Town's General Bylaw by adding Article II to Chapter 18 of the Code of the Town of Dalton, entitled "Public Consumption or Use of Marijuana", that would provide as follows, and further to amend the Table of Contents to add Article II, to said Chapter 18 entitled "Public Consumption or use of Marijuana."

**Article II: Public Consumption or Use of Marijuana**

**§ 18-3 Definitions.**

The following definitions shall apply to this bylaw.

"Marijuana" shall mean marijuana or tetrahydrocannabinol as defined in G.L. c. 94C, § 1, as may be amended.

"Marijuana products" shall mean products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures, as defined in G.L. c. 94G, § 1, as may be amended.

**§ 18-4 Public Consumption Prohibited.**

No person shall smoke, burn, vaporize, ingest or otherwise use or consume marijuana or marijuana products while in or upon any public place, including but not limited to any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairway, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned, leased or occupied by or otherwise under the control of the Town of Dalton, or any place to which members of the public have access as invitees or licensees, or in or upon any bus or other passenger conveyance operated by a common carrier; or in or upon any other place accessible to the public.

**§ 18-5 Violations and Penalties.**

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 94C, § 21N and G.L. c. 40, § 21D, by the Select Board, the Town Manager, or their duly authorized agents, or any police officer. The penalty for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

**§18-6 Severability.**

In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.

CARRIED

MAJORITY

ARTICLE 4. It was moved, seconded and voted that the Town authorize the Select Board to convey all or a portion of certain property located at 16 Gulf Road, as shown on Assessors' Map 106 and Lot 54, and commonly known as the White House described in a Judgment in Tax Lien Case recorded with the Berkshire Middle District Registry of Deeds in Book 3482, Page 326, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems in the best interest of the Town, and further to authorize the Select Board to execute any and all documents and instruments to effectuate the intent of this Article.

TWO-THIRDS VOTE REQUIRED

CARRIED

UNANIMOUSLY

ARTICLE 5. It was moved, seconded and voted that the Town transfer the care, custody and control of a parcel of land located off Route 9, and being Assessor's Map 215, Lot 13, containing 9.5 acres, more or less, from the Treasurer, held for tax title purposes, to the members of the Select Board, acting in their capacity as Park Commissioners, for the purpose of recreation, including sport and physical education: and further, prior to taking said vote, that the Town hear a report of the North Mountain Park Advisory Committee.

TWO-THIRDS VOTE REQUIRED.

CARRIED

DECLARED TWO-THIRDS

ARTICLE 6. It was moved, seconded and voted that the Town, pursuant to G.L. c.44, Sec53E ½, to amend the General Bylaws by inserting a new bylaw entitled Revolving Funds as Chapter 101 of the code of the Town of Dalton and amending the Table of Contents to add said Chapter and further that the following Revolving Funds, be established specifying the departmental receipts to be credited to the funds, the departmental programs or purposes for which the funds may be expended, and the entity authorized to expend the fund, to provide as follows:

**Chapter 101 Revolving Fund**

Sec. 101-1 Revolving Funds-There is hereby established in the Town of Dalton, pursuant to G.L. c.44, §53E½, the following Revolving Funds:

<u>Revolving Fund</u>	<u>(1)</u> <u>Use of Fund</u>	<u>(2)</u> <u>Revenue Source</u>	<u>(3)</u> <u>Authorized to Spend Fund</u>	<u>(4)</u> <u>Reporting Requirements</u>	<u>(5)</u> <u>Fiscal Years</u>
Plumbing Inspector	Reimburse Inspector for inspection services	Plumbing permit Fees and applications	Town Manager	None	2019 and subsequent years
Electrical Inspector	Reimburse Inspector for inspection services	Electrical permit Fees and applications	Town Manager	None	2019 and subsequent years
Tree Warden/ Planning Board	Planting of trees and shrubs within specific locations	Payments from subdivision developers	Tree Warden	None	2019 and subsequent years
Cemetery Department	Grave digging services and overtime payroll expenses	Payments for burials outside of the work day	Cemetery Trustees & Superintendent of Highway/Cemetery	None	2019 and subsequent years
Council on Aging Transportation	Offset expenses of the BRTA bus operation	Receipt of fees for transportation services	Town Manager & COA Director	None	2019 and subsequent years
Cemetery Department	Payment of expenses related to the repair of sustained damage	Reimburse payments for damage to town cemeteries	Cemetery Trustees	None	2019 and subsequent years
Legal Advertising	Payment of expenses related to legal advertisements	Legal advertising fees	Town Manager	None	2019 and subsequent years
Parks Maintenance	Any lawful maintenance expense in town parks	Fees from outside users of the Pine Grove Park pavilion	Town Manager & Superintendent Highway/Cemetery	None	2019 and subsequent years
Highway Department (WMECO/Boom Mower)	Repairs/Maintenance Service Boom Mower	Annual Member Fees, WMECO/Boom Mower Inter-municipal consortium	Town Manager & Superintendent Highway/Cemetery	None	2019 and subsequent years

CARRIED

UNANIMOUSLY

ARTICLE 7. It was moved, seconded and voted to fix the maximum amount that may be spent during fiscal

year 2019 beginning on July 1, 2018 for the revolving funds established in town by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E ½, as follows:

<u>Revolving Fund</u>	<u>FY19 Spending Limit</u>	<u>Disposition of FY19 Fund Balance</u>
Plumbing Inspector	\$15,000.00	Balance Available for expenditure
Electrical Inspector	\$10,000.00	Balance Available for expenditure
Tree Warden/ Planning Board	\$5,000.00	Balance Available for expenditure
Cemetery Department	\$2,500.00	Balance up to \$2,500.00 available for expenditure, remainder reverts to the General Fund
Council on Aging - Transportation	\$20,000.00	Balance Available for expenditure
Council on Aging - Programs	\$15,000.00	Balance Available for expenditure
Cemetery Department	\$5,000.00	Balance Available for expenditure
Legal Advertising	\$3,000.00	Balance up to \$3,000 available for expenditure, remainder reverts to the General Fund
Parks Maintenance	\$2,000.00	Balance Available for expenditure
Highway Department (Boom Mower)	\$12,600.00	Balance Available for expenditure

CARRIED

UNANIMOUSLY

ARTICLE 8. It was moved, seconded and voted that the Town adopt the "Schedule of Compensation for Elected Officials" for the fiscal year beginning July 1, 2018 as follows, Moderator \$397, Town Clerk \$51,943, Select Board Chairman \$4,644, other Select Board Members \$3,696 each

CARRIED

UNANIMOUSLY

ARTICLE 9. It was moved, seconded and voted that the amounts of money set forth in the printed report of the Finance Committee, for Fiscal Year 2019 and totaling \$7,238,820 be appropriated for the several purposes therein itemized, each numbered item being considered as a separate appropriation, and that the same be expended only for such purposes.

CARRIED

UNANIMOUSLY

ARTICLE 10. It was moved, seconded and voted that the Town raise and appropriate the sum of \$58,955 for the fiscal year beginning July 1, 2018, for the purpose of providing recreation and leisure time activities to the people of Dalton.

CARRIED UNANIMOUSLY

ARTICLE 11. It was moved, seconded and voted that the Town raise and appropriate \$7,868,396 for the purpose of paying the Town's share of the Operating Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2018.

CARRIED UNANIMOUSLY

ARTICLE 12. It was moved, seconded and voted that the Town raise and appropriate \$339,575 for the purpose of paying the Town's share of the Transportation Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2018.

CARRIED UNANIMOUSLY

ARTICLE 13. It was moved, seconded and voted that the Town raise and appropriate \$156,770 for the purpose of paying the Town's share of the Capital Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2018.

CARRIED UNANIMOUSLY

ARTICLE 14. It was moved, seconded and voted that the Town transfer 65,000 from Free Cash in the Treasury to Account 132, the Reserve Fund, for the fiscal year beginning on July 1, 2018.

CARRIED UNANIMOUSLY

ARTICLE 15. It was moved, seconded and voted that the Town transfer \$200,000 from Free Cash in the Treasury for the purpose of reducing the expected tax rate increase in the 2019 fiscal year.

CARRIED UNANIMOUSLY

ARTICLE 16. It was moved, seconded and voted that the Town transfer \$15,902 from the Landfill Monitoring Account # 991 to the Landfill Closure Account #433 for the fiscal year beginning July 1, 2018.

CARRIED UNANIMOUSLY

ARTICLE 17. It was moved, seconded and voted that the Town transfer \$500,000 from Free Cash in the Treasury in the following amounts to the following Stabilization Funds: \$200,000 to the Sewer Stabilization Fund, \$150,000 to the General Stabilization Fund, and \$150,000 to the Capital Stabilization Fund.

CARRIED UNANIMOUSLY

ARTICLE 18. It was moved, seconded and voted that the Town transfer the sum of \$600,000 from Free Cash in the Treasury to the Other Post-Employment Benefits Trust Fund for the purpose of reducing the unfunded actuarial liability of health care and other post-employment benefits.

CARRIED UNANIMOUSLY

ARTICLE 19. It was moved, seconded and voted that the Town authorize employment agreements between the Town and Highway/Cemetery Superintendent, the Highway/Cemetery Foreman, and the Police Sergeant.

CARRIED

UNANIMOUSLY

ARTICLE 20. It was moved, seconded and voted that the Town recess until MONDAY MAY 14, 2018 at 10:00 O'CLOCK A.M. to meet in the DALTON COMMUNITY HOUSE, until 8:00 P.M., to choose and elect the following Town Officers:

- (1) MEMBER(S)-SELECT BOARD FOR 3 YEARS
- (1) TOWN CLERK FOR 3 YEARS
- (1) MODERATOR FOR 1 YEAR
- (1) MEMBER(S)-PLANNING BOARD FOR 3 YEARS
- (1) CEMETERY TRUSTEE FOR 3 YEARS
- (1) DALTON HOUSING AUTHORITY FOR 5 YEARS
- (3) LIBRARY TRUSTEES FOR 3 YEARS
- (3) MEMBERS-FINANCE COMMITTEE FOR 3 YEARS

And to vote upon ballot question 1 as follows:

QUESTION 1

DALTON DIVISION RD

Shall the Town of Dalton be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds or notes issued in order to pay for the engineering, design and Right of Way acquisition for the reconstruction of Dalton Division Road, and costs related thereto including borrowing costs associated with said project and all other costs incidental or related thereto?

Yes \_\_\_\_\_ No \_\_\_\_\_

CARRIED.

Meeting dissolved at 9:32 p.m.

A TRUE COPY ATTEST

  
Deborah J. Merry, Town Clerk

TOWN OF DALTON  
ANNUAL TOWN ELECTION  
MAY 14, 2018

The Election was held from 10:00 a.m. to 8:00 p.m. at the Dalton Community House, pursuant to the Warrant on page 382 2,500 Official Ballots were delivered to the Warden, and the Police Officer certified that the Ballot Boxes were empty and set at zero. At the conclusion of the counting and tabulation, the Town Clerk announced that there had been a total of 226 Ballots cast as follows:

	<u>PRECINCT I</u>	<u>PRECINCT II</u>
Walk-Ins	103	118
Absentees	<u>3</u>	<u>2</u>
Total	106	120

ELECTION WORKERS:

Warden – Maureen Mitchell – Serving both Precincts  
 Police Officer(s) – John Marley –Serving both Precincts, 10AM-3PM  
 Jeffrey Coe—Serving both Precincts, 3PM-7PM  
 James Duryea, Jr.—Serving both Precincts, 7PM-8:30PM

CHECKERS A.M.:

<u>PRECINCT I</u>	<u>PRECINCT II</u>
Marjorie E. O’Keefe	M. Sheila Ferryall
Pam Fillio	Catherine F. Rivers
Linda Merry	Kathy Desmarais
Gordine Galusha	Jean Gingras

CHECKERS P.M.

Pam Fillio	M. Shiela Ferryall
Judy Condron	Catherine F. Rivers
Linda Merry	Kathy Desmarais
Marge Limburg	Jean Gingras

BALLOT BOX ATTENDANTS:

Carol M. Powell	Jeri L. Galletly
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TELLERS:

Maureen M. Mitchell	Michele T. Blake
Judy Condron	Jean Gingras

TABULATOR(S):

Michele T. Blake	(To Serve Both Precincts)
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SELECT BOARD (3 Yrs.)

Robert W. Bishop, Jr.	97	99	196
Blanks	8	21	29
Write-ins	<u>1</u>	<u>0</u>	<u>1</u>
Total	106	120	226

TOWN CLERK (3Yrs.)

Deborah J. Merry	99	108	207
Blanks	5	12	17
Write-ins	<u>2</u>	<u>0</u>	<u>2</u>
Total	106	120	226

MODERATOR (1 Yr.)

Anthony P. Doyle	96	100	196
Write-ins:	0	0	0
Blanks	<u>10</u>	<u>20</u>	<u>30</u>
Total	106	120	226

PLANNING BOARD (3 Yrs.)

Donald E. Harris	90	95	185
Write-ins :	1	0	1
Blanks	<u>15</u>	<u>25</u>	<u>40</u>
Total	106	120	226